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EXAMINER	
WEATHERBY, ELLSWORTH	

ART UNIT	PAPER NUMBER
3768	

MAIL DATE	DELIVERY MODE
11/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/550,118	AKIYAMA ET AL.	
	Examiner	Art Unit	
	ELLSWORTH WEATHERBY	3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 September 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/26/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utenick (USPN 4,429,262) in view of Amrhein (USPN 5,274,313).

3. Utenick teaches a rotary controlled ultrasonic probe where the digital position count from a counter is coupled to a memory, which maintains, in storage, representations of position, and torque characteristics of the motor where based on the stored and determined positions the memory issues controls signals for correction purposes (Abstract; col. 1, ll. 29-56 Figs. 1-3). Utenick goes on, teaching a diagnostic ultrasonic transducer that scans an ultrasonic beam (col. 1, ll. 6-40; col. 2, ll. 29-33); a transducer-swinging motor that allows the ultrasonic transducer to perform swing scanning in a direction crossing a scanning direction of the ultrasonic beam (col. 2, ll. 29-57); a rotary encoder that generates a pulse according to a rotation position of the transducer swinging motor (col. 3, ll. 23-44; col. 7, ll. 21-67); and an encoder correction ROM (114) that stores scanning angles with respect to each count value obtained by counting pulses from the encoder, and outputs the measured and stored scanning angle of the ultrasonic transducer (abstract; col. 2, ll. 15-57; col. 3, l. 23- col. 4, l. 24; col. 6, ll. 22-44). Utenick also teaches that the encoder correction ROM stores swing directional

angles that are different between a forward path of swing scanning and a return path of the swing scanning (col. 4, ll. 15-24 & 60-66; col. 5, l. 33-col. 6, l. 55). Utenick teaches that the rotary encoder correction memory capable to store a previously measured swing scanning angle characteristics of the ultrasonic transducer with respect to each of a plurality of values obtained from the rotary encoder (col. 3, ll. 45-65; col. 4, ll. 49-59; col. 6, ll. 22-67), and capable to outputs previously measured and stored swing scanning angle of the ultrasonic transducer for use in correction (col. 3, ll. 45-65; col. 4, ll. 40-59; col. 5, ll.).

4. Utenick teaches all the limitations of the claimed invention except for expressly teaching that the count values are obtained by counting pulses from the rotary encoder over an entire swing range of the ultrasonic transducer, and configured to output the previously measured and stored swing scanning angle of the ultrasonic transducer.

5. In a related field of endeavor, Amrhein addresses a method for actuating motors having an optimum function which is previously determined and stored in a function memory to achieve a prescribed power or torque characteristic without fluctuation (Abstract; col. 1, ll. 5-25; Figs. 1-10). Here, a memory (30) stores the curve (34, 32) with respect to a signal determined from the angle encoder (2) (col. 3, ll. 35-50; col. 4, ll. 38-52; col. 12, ll. 8-27). The purpose of the system is address and correct the various influences that would cause fluctuations in the uniformity of operation (col. 3, l. 61- col. 4, l. 2; col. 5, ll. 60-65). Therefore, the correction ROM is configured to store previously measured angles with respect to each count value.

6. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the rotary ultrasonic probe of Utenick in view of the correction means of Amrhein. The motivation to modify Utenick in view of Amrhein would have been to utilize any known means for correction of error thereby reducing distortion, as is well known in the art.

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utenick (USPN 4,429,262) in view of Amrhein (USPN 5,274,313) and Pini (USPN 5,159,931).

8. Utenick teaches a rotary controlled ultrasonic probe where the digital position count from a counter is coupled to a memory, which maintains in storage representations of position, and torque characteristics of the motor where based on the stored and determined positions the memory issues controls signals for correction purposes (Abstract; col. 1, ll. 29-56 Figs. 1-3). Utenick goes on, teaching a diagnostic ultrasonic transducer that scans an ultrasonic beam (col. 1, ll. 6-40; col. 2, ll. 29-33); a transducer-swinging motor that allows the ultrasonic transducer to perform swing scanning in a direction crossing a scanning direction of the ultrasonic beam (col. 2, ll. 29-57; col. 8, ll. 22-25); a rotary encoder that generates a pulse according to a rotation position of the transducer swinging motor (col. 3, ll. 23-44; col. 7, ll. 21-67); and an encoder correction ROM (114) capable to store scanning angles with respect to each count value obtained by counting pulses from the encoder, and capable to output the measured and stored scanning angle of the ultrasonic transducer (abstract; col. 2, ll. 15-

57; col. 3, l. 23- col. 4, l. 24; col. 6, ll. 22-44). Utenick also teaches that the encoder correction ROM stores swing directional angles that are different between a forward path of swing scanning and a return path of the swing scanning (col. 4, ll. 15-24 & 60-66; col. 5, l. 33-col. 6, l. 55). Utenick further teaches storing a previously measured swing scanning angle characteristic of the ultrasonic transducer motor with respect to each of a plurality of values obtained from the rotary encoder (col. 3, ll. 45-65; col. 6, ll. 22-67), and outputs previously measured and stored swing scanning angle of the ultrasonic transducer for use in correction (col. 3, ll. 45-65; col. 4, ll. 40-59). Utenick also teaches an encoder counter (ref. 142).

9. Utenick teaches all the limitations of the claimed invention except for expressly teaching that the count values are obtained by counting pulses from the rotary encoder over an entire swing range of the ultrasonic transducer, and configured to output the previously measured and stored swing scanning angle of the ultrasonic transducer. Utenick also does not expressly teach a transmitting/receiving element. Utenick also does not expressly teach a 3D image processing element.

10. In a related field of endeavor, Amrhein addresses a method for actuating motors having an optimum function which is previously determined and stored in a function memory to achieve a prescribed power or torque characteristic without fluctuation (Abstract; col. 1, ll. 5-25; Figs. 1-10). Here, a memory (30) stores the curve (34, 32) with respect to a signal determined from angle encoder (2) (col. 3, ll. 35-50; col. 4, ll. 38-52; col. 12, ll. 8-27). The purpose of the system is to address and correct the various influences that would cause fluctuations in the uniformity of operation (col. 3, l. 61- col.

4, l. 2; col. 5, ll. 60-65). Here, a main controlling element is configured to read out the previously determined correction curve and a motor controlling element perform driving control on the motor according to the count value from the encoder counter (col. 11, ll. 2-45; col. 11, l. 55-col. 12, l. 28; Figs. 4-5, 10).

11. Amrhein does not expressly teach a transmitting/receiving means. Amrhein also does not expressly teach a 3D image processing element.

12. In the same field of endeavor, Pini '931 (hereinafter) Pini teaches a counter that controls a counter for sector scanning and a counter for rotation control which are combined for controlling the stepper motor driver (col. 8, ll. 40-58). Pini also teaches a transmitting/receiving means that excites the vibrators of the ultrasonic transducer (col. 9, ll. 12-17). Pini also teaches a three dimensional image processing means that produces a three-dimensional image for display (abstract; col. 8, ll. 33-39; col. 13, ll. 33-36; claim 1).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the rotary ultrasonic probe having position encoding and correcting means of Utenick in view of the improved correction means of Amrhein and the 3D rotary ultrasound of Pini with the correction means of Amrhein. The motivation to modify Utenick in view of Amrhein and Pini would have been to utilize any known means for correction of error thereby reducing distortion in a 3D image, as is well known in the art.

Response to Arguments

14. Applicant's arguments filed 09/03/2010 have been fully considered but they are not persuasive. Applicant alleges that Amrhein fails to cure the deficiencies of Utenick. Specifically, Applicant alleges that Amrhein does not expressly teach an encoder correction ROM configured to store a previously measured swing scanning angle of the ultrasonic transducer with respect to each of a plurality of count values, wherein the count values are obtained by counting pulses from the rotary encoder over an entire swing range of the ultrasonic transducer. Here, Applicant alleges that the benefit of the alleged deficiency is that it is possible to correct an error of a nonlinear swing angle caused by the angle detection sensor and the mechanical structure. The Examiner respectfully disagrees. To clarify, Amrhein teaches electronic an encoder correction ROM (col. 11, ll. 8-34), configured to store a previously measured swing angle of the ultrasonic transducer with respect to each of a plurality of count values (col. 11, ll. 35-65), wherein count values are obtained by counting pulses from the rotary encoder over a swing range of the transducer (Figs 3-5;). Here, Armhein teaches that the encoder and actual rotation angle may deviate from a linear or proportional relationship due to rotation angle or rotation direction and that the method and system enable it to correct an error of a non-linear swing angle caused by the detection system and mechanical structure (col. 12, l. 64- col. 13, l. 21; claim 1-3). Applicant goes on alleging that that there is no motivation to use the curve memory of Amrhein, in which correction values of torque at each rotation angle are stored, for storing values to correct each rotation over the entire swing range. Here, the examiner stands that the limitation, entire swing

range does not exclude Armhein because the swing range may be interpreted to include any range. Furthermore, Armhein suggests that the method and system is for improving the operating behavior and any fluctuations of any feedback rotary motor (col. 13, ll. 43-60). Applicant does not cite any further deficiencies with respect to the prior art. Accordingly the claims stand rejected on the grounds set forth above. Regarding, Applicant's arguments regarding the 112 second paragraph rejection, the agrees and the 112 second paragraph rejection has been withdrawn.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLSWORTH WEATHERBY whose telephone number

is (571) 272-2248. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EW/

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768